

**Written Testimony Submitted for the Record to the
Maryland House of Delegates
Judiciary Committee
For the Hearing on
Juvenile Law – Child Interrogation Protection Act
(HB 624)**

February 13, 2020

SUPPORT WITH AMENDMENTS

Maryland PTA is the state's oldest and largest child advocacy organization that serves as a powerful voice for all children, a relevant resource for families, schools and communities and a strong advocate for public education. We represent thousands of volunteer members in 900 public schools and we are comprised of families, students, teachers, administrators, and business as well as community leaders devoted to the educational success of children and family engagement in Maryland. For nearly 105 years, our mission has been to make every child's potential a reality by engaging and empowering families and communities to advocate for all children.

Maryland PTA submits this testimony in support of House Bill 624 – Juvenile Law – Child Interrogation Protection Act ("HB 624"). At its core, this bill does two things: amplifies the rights of minors upon being taken into custody by law enforcement and improves the communication efforts with parents and youth when minors are taken into custody.

September 2019 marked the 45th anniversary of the Juvenile Justice and Delinquency Prevention Act (JJDP), the nation's first comprehensive law designed to prevent children and youth from entering the juvenile justice system and to protect those currently in the system. Juvenile justice and delinquency prevention have historically been one of PTA's key public policy priorities. As Maryland PTA continues to advocate for improvements to the juvenile justice system, we acknowledged that part of that improvement signifies protecting minors from false convictions or incarcerations, which may have occurred out of malevolence, poor counsel, misguidedness, tampering of evidence, language barriers, or just a plain lack of advocacy or support.

Understanding the brain development of youth and how traumatic an experience can be when interacting with law enforcement officers is enough to warrant the need to have legal counsel available when youth are questioned by law enforcement. However, when it comes to law enforcement on school grounds, parents need advocacy as well; primarily though information sharing and a clear understanding of protocols and policies that school administrators are supposed to follow when their children are interrogated, interviewed or investigated on school grounds by law enforcement. Hence, Maryland PTA submits three amendments to this bill to edify its effort to advocate for not only youth but also their parents. These amendments include the following:

1. Require local boards of education to establish and make publicly available a policy regarding the protocol or procedures when a school investigation instigates an interrogation of a student on

school grounds by a School Resource Officer, school security officer, or other law enforcement official.

2. Require all Maryland Public Schools to maintain information for a parent to access about how to gain contact with their child if he or she is arrested or taken into custody while on school grounds. This information should include:
 - The role of the School Resource Officer and what he or she may legally do;
 - The role of the principal, administrator and teacher involved in any investigation and what he or she may legally do;
 - The possible local facilities (including but not limited to a hospital, juvenile detention center, a police department, etc.) to which a student may be taken and why;
 - The contact information such as address, phone number and website of these facilities; and
 - The legal rights of minors.
3. Require the principal or administrative staff immediately involved to write an incident report for the parent to record the incident and describing the school's (staff's) role in the investigation, what occurred during the investigation, the witnesses interviewed, any statement(s) provided by the student prior to any interrogation or detention by law enforcement, and finally, to where the minor was specifically taken.

The March 2013 American Academy of Child Adolescence and Psychiatry policy statement regarding Interviewing and Interrogating Juvenile Suspects states adolescents use their brains in a fundamentally different manner than adults. They are more likely to act on impulse, without fully considering the consequences of their decisions or actions. Additionally, the Supreme Court has recognized that there is a heightened risk that juvenile suspects will falsely confess when pressured by police during the interrogation process. This is why it is so fundamentally important for Maryland PTA to support family involvement for juveniles who are in custody or in the juvenile justice system; these amendments make family involvement easier and more accessible. For too often Maryland PTA has heard from parents that they are the last to know, particularly from their own child, that there has been any investigative interaction with school resource officers and absolutely no documentation provided to them from the school.

As parents desire to be a part of this process, it is imperative that all local school boards have publicly established protocols and trainings in place to address the rights of students and administrative protocols during law enforcement interrogations on school premises, how to contact their children when taken from the school and placed in custody, and provided documentation regarding the school's role. It is for these reasons Maryland PTA supports with amendments the merits of House Bill 624 and urges a favorable report.

Respectfully Submitted,

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President